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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,702	09/15/1999	ANOOP GUPTA	MS1-302US	7828

22801 7590 08/19/2005

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER	
MOFIZ, APU M	

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/396,702	GUPTA ET AL.	
	Examiner	Art Unit	
	Apu M. Mofiz	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,12,13,28-86 and 88-91* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,12,13,28-86 and 88-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 September 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner's Response to Applicant's Remarks

1. Applicant's arguments submitted on 06/14/2005 with respect to claims 1-6, 12-13, 28-86 and 88-91 have been reconsidered but are not deemed persuasive for the reasons set forth below.

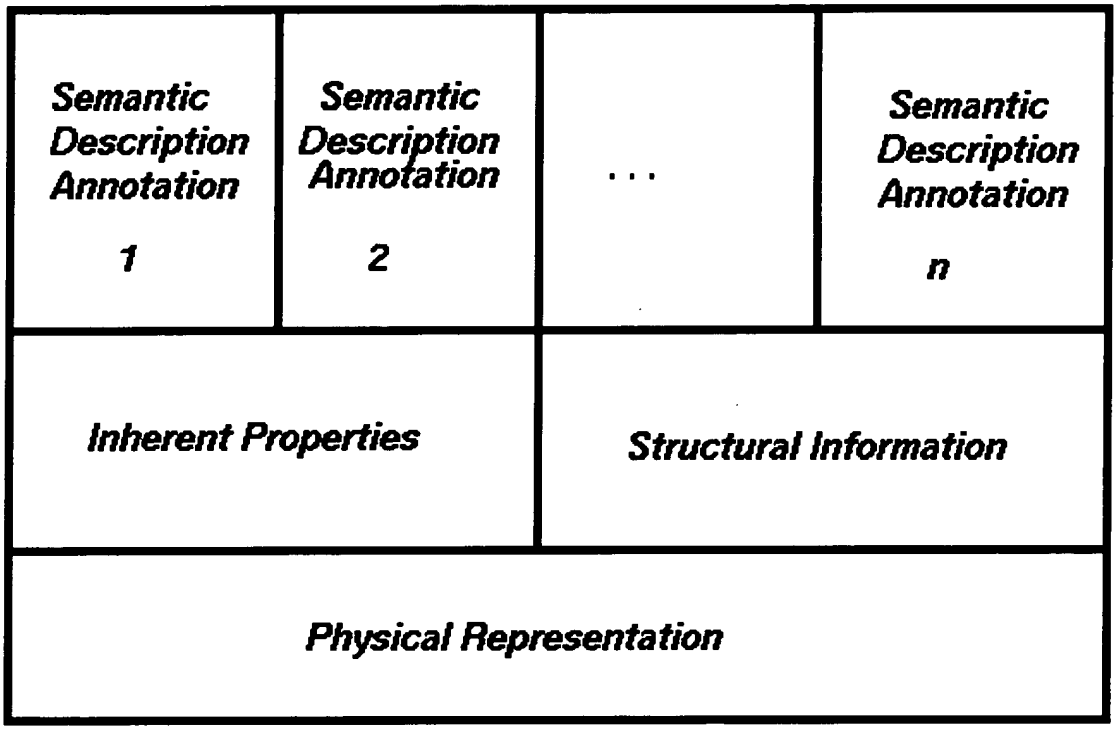
Examiner's Responses to Applicant's Remarks are listed below:

2. Applicant argues (under REMARKS section) that, Chen does not teach receiving an indication of a plurality of annotations selected by a user, wherein each of the plurality of annotations corresponds to a media stream or to one or more media streams; presenting a plurality of annotation identifiers to the user; allowing the ordering of the plurality of annotation identifiers to be changed by the user; seamlessly providing one or more of , the plurality of annotations, and at least a portion of the media stream corresponding to each of the plurality of annotations; wherein seamlessly providing comprises seamlessly providing the one or more of the plurality of annotations and the portions of the media stream corresponding to each of the plurality of annotations in an order defined by the order of the plurality of annotation identifiers.

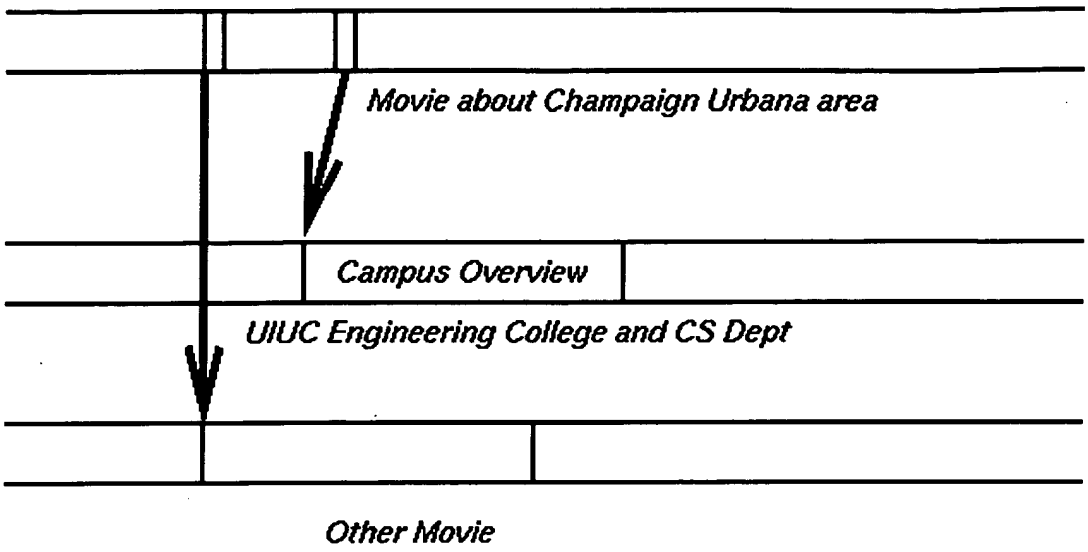
Examiner respectfully disagrees. Chen teaches receiving an indication of a plurality of annotations (i.e., *"The meta-information encompasses the inherent properties of the media,*

*hierarchical information, semantic description, **as well as annotations** that provide support for hierarchical access, browsing, searching, and **dynamic composition of continuous media**."* The preceding text excerpt clearly states that meta information which includes annotation provides support for dynamic composition of continuous media i.e., movie. Therefore Applicant's argument that Examiner's understanding that Chen describes using "annotations" for dynamic composition of a movie is incorrect is not correct. Now what is annotation in Chen's document? "***Annotations**: Hyperlink specifications for objects inside **the media stream**.*" The preceding text excerpts clearly indicate that Hyperlinks are annotations. The text excerpts also show that annotations/ hyperlink specifications correspond to media streams.) (page 3) selected by a user, wherein each of the plurality of annotations (page 3) corresponds to a media stream or to one or more media streams (i.e., a movie (i.e., audio and video)) (page 7); presenting a plurality of annotation identifiers (i.e. the hierarchical indexes in Figure 4) to the user; allowing the ordering of the plurality of annotation identifiers to be changed by the user (i.e., The Examiner already has shown that annotations are hyperlinks, and the annotations are used for dynamic composition of continuous media e.g., movie. The Applicant argues that Chen does not teach presenting annotations with their corresponding media stream in the desired order and does not allow reordering the annotations. *"**A new sequence of video and audio should be composable of whole, or parts of existing clips**. ... Our model of continuous media integrates video and audio documents with their meta information. That is meta information is stored together with the encoded video and audio. Several classes of meta information are included in the model. These are: ... **Annotations: Hyperlink specifications for objects inside the media streams**"* The preceding text excerpts clearly indicates that meta information, which includes annotations (i.e., hyperlinks) are stored with their corresponding media streams. Now the question is does the annotations allow reordering the actual movie segments? *"The continuous media model also allows **dynamic composition**. **A video presentation can use parts of existing movies as components**. For example, **a presentation of Urbana-Champaign can be a video composed of several segment from other movies**. As shown in Figure 7, the campus overview segment can be used in the composition."* The preceding text excerpts clearly indicate that a continuous media e.g., movie can be dynamically composed of movie segments/clips from other movies i.e., the clips can be mixed and matched **or reordered**. Now the question is how does Chen do it? "*Project Vosaic bases its architecture on the*

*continuous media model outlined above. Meta-information is stored on the server side together with the media clips. ... **Semantic descriptions and annotations are used for searching video material and hyperlinking inside video streams.** We designed and **implemented tools for the extraction and construction of continuous media meta-information.** A parser was developed to extract inherent properties from encoded mpeg video and audio streams. **A link-editor was implemented for the specification of hyperlinks within video streams."***



Shots	Frames	Key Words
Campus Overview	1 - 1203	uiuc, engineering campus, ca
Message from Dean	1204 - 2566	uiuc, engineering, dean, talk
One Lab Tour	2567 - 4333	uiuc, engineering, lab tour
DCL Tour and Overview	6400 - 8000	uiuc, cs depart, dcl, tour, overv
Instructional Lab Tour	8001 - 9654	uiuc, cs depart, tour, instructior
Interview with a Undergraduate Student	9655 - 11000	uiuc, cs depart, interview



The preceding text excerpts and the figures clearly indicates that meta information i.e., information about video clips includes semantic descriptions and annotations. Semantic descriptions describe/ represent the video clip and the annotation i.e., hyperlinks (**The Examiner has already shown that annotations are hyperlinks**) actually links different clips. Chen teaches a link editor where the annotations provide support for the composition of the reordered video clips. *"We are also experimenting with **dynamic composition of video**. For example, Figure 5 illustrates the result of search on a video database. The search result is a server generated dynamic composition of the matched clips. The resulting presentation is a movie made up of video clips in the search result. In general, **users may use dynamic composition facilities to create and author continuous media presentations** by reusing video segments through this facility. **The organization of video through dynamic composition** reduces the need for the copying of large video and audio documents. ... **Video frames are grouped and descriptions are associated with the groups**. The descriptions are stored and used for search and hierarchical structure presentation."* The preceding text excerpts reinforces the topic of previous discussion. **The semantic descriptions are associated with a group of frames or clips.** With the help of a link editor a client can dynamically compose a continuous media i.e., movie (i.e., it does not require any user intervention during the length of the play) by specifying the order of annotations (i.e., hyperlinks). A continuous media is continuous because it does not require any user intervention during the play of the movie. Finally, The Applicant's argument that Chen does not teach "graphically ordering the annotations and sequentially presenting the annotations along with their corresponding identified media stream segments in the

desired order" is not proper.) (page 3; page 7; page 11; page 14); seamlessly (i.e., "The goal of Vosaic project[4] is to **seamlessly** integrate the organization, retrieval and navigation of **continuous media** into the World Wide Web.") (page 2) providing one or more of , the plurality of annotations, and at least a portion of the media stream (page 7) corresponding to each of the plurality of annotations (page 3; page 7; page 11; page 14); wherein seamlessly (page 2) providing comprises seamlessly (page 2) providing the one or more of the plurality of annotations and the portions of the media stream (page 7) corresponding to each of the plurality of annotations in an order defined by the order of the plurality of annotation identifiers (page 3; page 7; page 11; page 14).

Any other arguments by the applicant are more limiting than the claimed language.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-6,12-13 and 28-91 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of Chaddha et al. (U.S. Patent No. 6,173,317), claims 1-25 of Gupta et al. (U.S. Patent No. 6,484,156). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims of U.S. Patent No. 6,173,317 and U.S. Patent No. 6,484,156 contain every element of claims 22-23 of the instant specification.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651."

Claim Rejections - 35 USC § 102

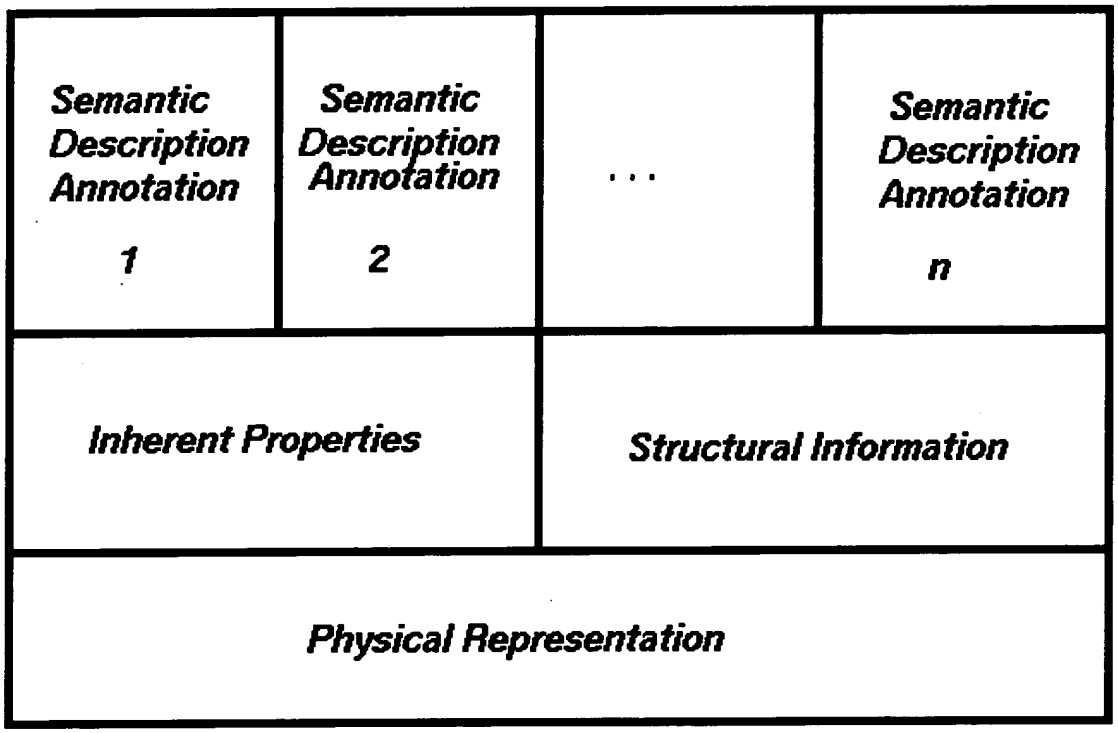
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

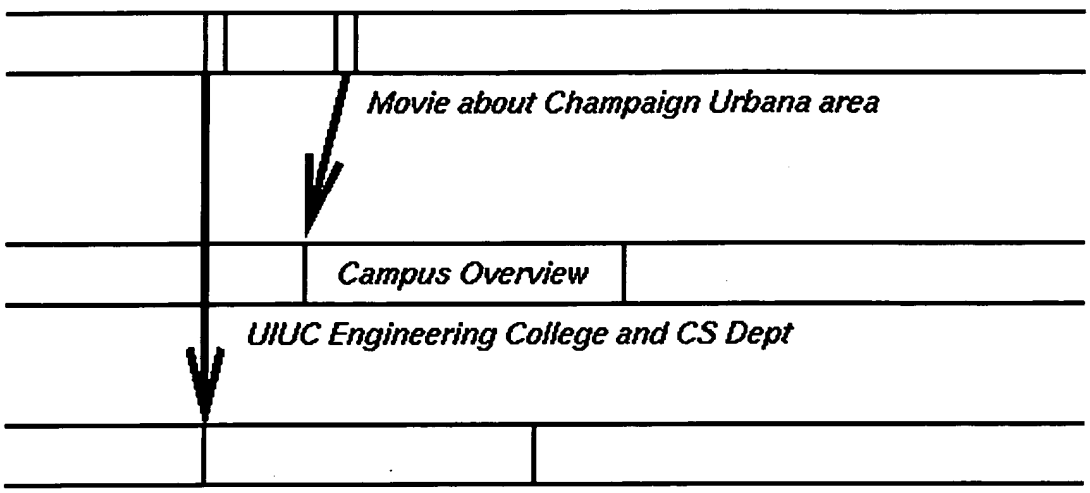
6. Claims 1-6,12-13 and 28-91 are rejected under 35 U.S.C. 102(a) as being anticipated by Chen et al. (Video and Audio: Organization and Retrieval in the WWW, Vosaic corporation, 1996 and Chen hereinafter).

As to claims 1-6,12-13 and 28-86 and 88-91, Chen teaches receiving an indication of a plurality of annotations (i.e., *"The meta-information encompasses the inherent properties of the media, hierarchical information, semantic description, **as well as annotations** that provide support for hierarchical access, browsing, searching, and **dynamic composition of continuous media**."* The preceding text excerpt clearly states that meta information which includes annotation provides support for dynamic composition of continuous media i.e., movie. Therefore Applicant's argument that Examiner's understanding that Chen describes using "annotations" for dynamic composition of a movie is incorrect is not correct. Now what is annotation in Chen's document? "***Annotations**: Hyperlink specifications for objects inside **the media stream**.*" The preceding text excerpts clearly indicate that Hyperlinks are annotations. The text excerpts also show that annotations/ hyperlink specifications correspond to media streams.) (page 3) selected by a user, wherein each of the plurality of annotations (page 3) corresponds to a media stream or to one or more media streams (i.e., a movie (i.e., audio and video)) (page 7); presenting a plurality of annotation identifiers (i.e. the hierarchical indexes in Figure 4) to the user; allowing the ordering of the plurality of annotation identifiers to be changed by the user (i.e., The Examiner already has shown that annotations are hyperlinks, and the annotations are used for dynamic composition of continuous media e.g., movie. The Applicant argues that Chen does not teach presenting annotations with their corresponding media stream in the desired order and does not allow reordering the annotations. *"**A new sequence of video and audio should be composable of whole, or parts of existing clips**. ... Our model of continuous media integrates video and audio documents with their meta information. That is meta information is stored together with the encoded video and audio. Several classes of meta information are included in the model. These are: ... **Annotations: Hyperlink specifications for objects inside the media streams**"* The preceding text excerpts clearly indicates that meta information, which includes annotations (i.e., hyperlinks) are stored with their corresponding media streams. Now the question is does the annotations allow reordering the actual movie segments? *"The continuous media model also allows **dynamic composition**. **A video presentation can use parts of existing movies as components**. For example, **a presentation of Urbana-Champaign can be a video composed of several segment from other movies**. As shown*

in Figure 7, the campus overview segment can be used in the composition." The preceding text excerpts clearly indicate that a continuous media e.g., movie can be dynamically composed of movie segments/clips from other movies i.e., the clips can be mixed and matched **or reordered**. Now the question is how does Chen do it? "*Project Vosaic bases its architecture on the continuous media model outlined above. Meta-information is stored on the server side together with the media clips. ...* ***Semantic descriptions and annotations are used for searching video material and hyperlinking inside video streams.*** *We designed and* ***implemented tools for the extraction and construction of continuous media meta-information.*** *A parser was developed to extract inherent properties from encoded mpeg video and audio streams.* ***A link-editor was implemented for the specification of hyperlinks within video streams.***"



Shots	*Frames*	*Key Words*
Campus Overview	*1 – 1203*	*uiuc, engineering campus, ca*
Message from Dean	*1204 – 2566*	*uiuc, engineering, dean, talk*
One Lab Tour	*2567 – 4333*	*uiuc, engineering, lab tour*
DCL Tour and Overview	*6400 – 8000*	*uiuc, cs depart, dcl, tour, overv*
Instructional Lab Tour	*8001 – 9654*	*uiuc, cs depart, tour, instructio*
Interview with a Undergraduate Student	*9655 – 11000*	*uiuc, cs depart, interview*



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Conclusion

7. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

August 10,2005